

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ALEBE R DILONGA
Claimant

APPEAL NO: 06A-UI-10687-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

**OC: 09/17/06 R: 03
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

U.S. Postal Service (employer) appealed a representative's October 27, 2006 decision (reference 06) that concluded Alebe R. Dilonga (claimant) was eligible to receive unemployment insurance benefits, and the employer could be charged because even though the claimant quit without good cause he had other wages in his base period that made him eligible to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 20, 2006. The claimant participated in the hearing. Deanna Vogt appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit a part-time job or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in early May 2006. The employer hired the claimant to work part-time. The claimant was in training for three days and another postal carrier helped him with a route until the week of May 15, 2006.

On May 18, 2006, the claimant went home early because of a headache. On May 19, the employer expected the claimant to be at work by 7:00 a.m. When the claimant did not call or report to work by 7:00 a.m., the employer made arrangements for another carrier to take care of the claimant's route for that day.

The claimant does not have a phone and tried unsuccessfully to use his neighbor's phone to notify the employer that he did not feel well and was unable to work as scheduled. When the claimant was unable to call the employer, he got ready and went to work. By the time the claimant reported to work, around 10:00 a.m., another person was assigned to the claimant's route that day. Vogt, however, talked to the claimant or reprimanded him about his failure to call the employer on or before 7:00 a.m.

While Vogt and the claimant talked, he asked if another employee could help him with his route. Vogt tried to explain another employee had been helping the claimant before as part of the claimant's on-going training, but the route was his sole responsibility and another person would not be assigned to help him. Shortly after Vogt provided this information, the claimant informed Vogt he was quitting for personal reasons.

The claimant established a claim for unemployment insurance benefits during the week of September 17, 2006. The claimant was found monetarily eligible to receive benefits based on wages he earned during his base period. The employer is not one of the claimant's base period employers.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. Although the claimant asserted the employer told him he was discharged if he did not resign, the employer's testimony is more credible than the claimant's. When the employer told the claimant he could not work on May 19 because the employer had already called in an employee to cover his route when the claimant did not call or report to work, it is possible the claimant misunderstood the employer. Also, the facts indicate the claimant wanted another employee to help him with his route and the employer would no longer provide extra help to the claimant. Finally, even though the employer reprimanded the claimant for failing to notify the employer that he was unable to work as scheduled, the employer had no intention of discharging the claimant on May 19, 2006. A preponderance of the evidence indicates the claimant quit on May 19 after the employer reprimanded him and informed the claimant he would no longer receive another employee's assistance. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2.

If the claimant had quit a full-time job, he would not be eligible to receive unemployment insurance benefits. However, if claimant quits a part-time job even without good cause and has wages credits in his base period from other employers that make him monetarily eligible to receive benefits, he is eligible to receive benefits even though he has not requalified by earning ten times his weekly benefit amount. 871 IAC 24.27.

The employer is not one of the claimant's base period employers, so none of the wages the claimant earned while working for the employer are included in his base period. As a result, the claimant was initially determined to be monetarily eligible based on wages he earned from other employers. Therefore, the claimant is eligible to receive unemployment insurance benefits. Since the employer is not one of the claimant's base period employers, during the claimant's current benefit year, the employer will not be charged for benefits paid to the claimant. If the claimant establishes a subsequent benefit year at a future date and the employer is one of his base period employers, the employer, a federal employer, could be charged.

DECISION:

The representative's October 27, 2006 decision (reference 06) is affirmed. The claimant quit a part-time job. Since he is monetarily eligible to receive benefits based on wages he earned

from other employers, as of September 17, 2006, he is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs